



November 1, 2021

DEPARTMENT OF PERSONNEL & ADMINISTRATION (DPA) PROTOCOL FOR ENGAGING STAKEHOLDERS IN RULEMAKING

Background on Stakeholder Engagement

DPA is responsible for the “back office” of state government housing the Division of Human Resources, Division of Central Services, the Office of the State Controller, the Office of Administrative Courts, among others. Every department in the executive branch of state government is a customer of DPA services. Pursuant to statute, the Department is often required to promulgate rules as part of its activities. By design, DPA's process of reviewing and adopting rules and regulations is a public one. Comments are taken into consideration throughout the duration of the entire process, including during the formal stages and steps of Colorado's rule making process that rulemaking agencies must follow as outlined in the State Administrative Procedure Act.

Pursuant to Colo. Rev. Stat. §24-4-103(2), DPA divisions with rulemaking authority must also establish a representative group of participants with an interest in the subject of our rulemaking to submit views or participate informally in discussions on the proposals under consideration or to participate in the public rulemaking proceedings on the proposed rules. In an effort to ensure early stakeholder engagement when promulgating permanent rules, DPA divisions with rulemaking authority also utilize these groups to solicit input ***prior*** to filing Notices of Proposed Rulemaking with the Secretary of State. The type of early stakeholder engagement performed by DORA ultimately depends on the unique circumstances of each potential rule-making, but typically includes one or more of the following:

- E-mail “blast” notifications with working drafts of rules, including questions for consideration;
- Open Forums to discuss preliminary concepts/ideas;
- Specific and targeted outreach campaigns;
- Formal and informal meetings/roundtables.

The overarching goal is to assure interested parties have easy and early notification and opportunity to submit comments or questions for meaningful consideration and discussion on rules and regulations.

How to Become a Department Stakeholder

As stated above, citizens can be involved in both the drafting of proposed rules and the revision of such rules after they have been formally noticed for potential promulgation. Because most of DPA's activity directly impacts other state government departments, stakeholders for one or more of DPA's representative groups (and in so doing, receive email notification of both early stakeholder engagement opportunities and formal Notices of Proposed Rulemaking) typically are identified by their involvement with a particular department or departments. Contact information is maintained by each individual division. Should an individual wish to be notified of rulemaking activity they may also notify DPA's rule coordinator Doug Platt via email at doug.platt@state.co.us.

Petitions for Rulemaking

You also have the right to petition for the issuance, amendment, or repeal of a rule. This provides you the opportunity to identify problematic rules and to help us improve efficiency. The "Petition for Rulemaking" must be submitted to us directly (via email to the individual(s) above) and is open to public inspection. Action on a petition is at DPA's discretion; but when it undertakes rulemaking on a matter, all related petitions for the issuance, amendment, or repeal of rules must be considered and acted upon in the same proceeding.

Other Resources

The rules and regulations adopted and promulgated by DPA agencies are available in multiple places, including the Department's web-site. They are public facing intentionally, so that interested parties can learn about the process and can provide comments, particularly if the rule or regulation affects a stakeholder, individual, or business. Citizens can access extensive information regarding DORA's rule-making activities online, including the following:

Notices of Proposed Rulemaking: You may sign up to receive notices from the Colorado Secretary of State. This service alerts you via e-mail whenever notices of rulemaking, permanent rules, or emergency rules have been published by the Secretary of State in the Colorado Register. This email notification contains a link to the Colorado Register to view the logistics of the hearing, the full text of notices, proposed rules, adopted rules (permanent or emergency), and the associated Attorney General opinions. You may also sign up to receive regulatory notices from the Department of Regulatory Agencies. This service will alert you via e-mail when permanent rules are being proposed according to specific subject areas, such as water, environment, education and public safety or by specific state agencies. These notices include the logistics of the rulemaking hearing as well as a redline/strikethrough version (if applicable) of the proposed rules so that stakeholders can easily see what is being changed and why. Through these notices, you may request that DORA's Office of Policy, Research, and Regulatory Reform prepare a cost-benefit analysis of any new or amended rule.

Final Rules: The Secretary of State compiles and publishes the administrative rules adopted and promulgated by DPA (as well as all of the Executive Agencies) in the Code of Colorado Regulations. Notices of rulemaking, proposed rules, new and amended rules, and Attorney General rules opinions are published twice monthly in the companion publication, the Colorado Register. The official Code and Register are also published on the Secretary of State website.

Regulatory Agenda & Rule Review Schedules: To find out when DPA agencies will be reviewing specific rules, view our annual Regulatory Agenda at <https://www.colorado.gov/dpa> and our full rule review schedule at <https://www.colorado.gov/pacific/dpa/executive-directors-office>.

